REMARKS

In the instant application, Claims 1-3 and 5-25 are pending. Claims 8-25 are withdrawn from consideration. Claims 1 and 6 have been amended. Support for the Amendments can be found generally throughout the text. Specifically at page 12 and original Claims 5 and 7. Applicants submit no new matter has been added by the present Amendments. Reconsideration of the pending claims in view of the following remarks is respectfully requested.

Claim Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 112, second paragraph. According to the Office Action, the term "significant" is indefinite. Applicants respectfully traverse this ground of rejection and herein incorporate their prior arguments in regard to this rejection. According to the Examiner Example 3 in Table 2(a) has a significant drop in pH and therefore it is unclear how the term "significant" further limits the claim.

Applicants submit the term "significant" is definite based upon the teachings in the specification, specifically in the Examples. Applicants submit the term "significant" is definite based on the specification, specifically the discussion following Table 2(a).

> As can be seen from Table 2a, all the conditioned dispersions (examples 4 to 10) are significantly more stable to storage, also at higher storage temperatures, after creaming compared with the **non-conditioned comparison materials (examples 1 to 3)**, which can be seen by the fact that a drop in the pH scarcely no longer takes place after storage of the dispersions according to examples 4 to 10.

Applicants submit one skilled in the art would understand the meaning of the word "significant" based on the discussion of Examples 4 to 10. Table 2(a) illustrates the influence of the storage temperature on the pH of the dispersions. "Storage" in Table 2(a) represents the 7 day storage at 60 degrees C. This storage step is performed after conditioning the dispersions in accordance with step b) as defined in the amended

claims, original Claims 5 and 7 and page 13 of the Specification. Example 3 (Dispersion D) is prepared by step a) as defined in the Examples on page 13, lines 1-6. Table 2(a) then illustrates conditioned Dispersion D after storage (Example 4) and non-conditioned Dispersion D after storage (Example 3). Therefore, Applicants submit it is clear to those skilled in the art that **Example 3 is a non-conditioned Example and accordingly not encompassed by the present claims**. Specifically Example 3 does not include step b) as described in the pending Claims or in the Example preparation at page 13, lines 22-27. Accordingly, Applicants submit Claim 1-3 and 5-7 are definite. Applicants further submit the Declaration of Mr. Schneider attached herein as Exhibit 1.

The Office Action further states the claims are unclear in the reference to "storing" and "storage". Applicants have amended the claims as discussed in the Examples and therefore submit the present rejection is moot and the pending claims are definite.

Claim Rejection Under 35 U.S.C. § 102/103

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over US Patent No. 3,639,301 (Youker) or EP 451998 or JP 2001-049043. Applicants respectfully traverse this ground of rejection and incorporate herein their previously filed remarks.

Applicants submit to anticipate a claim, the cited art must teach each and every element of the claimed invention, either explicitly or inherently. And similarly, to render a claim obvious the cited reference must provide a clear teaching, suggestion or motivation to one skilled in the art at the time just before the invention was made to modify the cited art to arrive at the claimed invention. Applicants submit that Youker neither teaches each and every element of the claimed invention, either explicitly or inherently, nor does it render the present invention obvious.

According to the Office Action, Youker at column 2, lines 20-28, discusses heat aging and the solids content (gel). Namely, according to the Office Action, Youker teaches a

solid content of 60%. Therefore, according to the Office Action, it is reasonable to presume that the initial solids content is lower and less than 30% given the desirability to heat age and raise the solids content. Applicants disagree with the interpretation of Youker.

First, Applicants submit solids content is not a synonym for gel content. As noted in Table 1 of the present application, both the solids content and the gel content are disclosed. Applicants submit one skilled in the art cannot assume the gel content of Youker based on the solids content disclosed therein. Accordingly, Applicants have performed the following experiment and synthesized a chloroprene latex according to the process disclosed in Youker et al. The results appear in the following Tables and attached Declaration (presented in accordance with the Tables in the present invention).

According to US 3,639,301 (Youker) a chloroprene latex was synthesized as Example G below. As illustrated in Table 1 below, a dispersion according to Youker has a gel content of 60 % and a solids content of 45% and after storage the dispersion at 7 days/60°C the pH changes from 12.7 to 9.6., see Table 2a below. Applicants submit these results correlate with the disclosure of Youker at Column 1, lines 67-68). See also the attached Declaration. However, dispersion according to the present invention does not have a significant drop in pH after storage. See Table 2a, page 16, of the present invention, wherein the dispersion according to the present invention has a pH of 12.4 to 12.6.

Further, Table 2c illustrates that the dispersion according to Youker is completely different from the present invention regarding the initial strength and soft point.

Table 1a.

Disp. from ex.	Regulator (%)	Poly temp. (°C)	Conversion (%)	Gel Content (%)	Gel content in % after conditioning 1d	2d	3d
G	0	40	94	60	-	-	-

Table 1b. Increase in the solids content of the dispersions by creaming.

Example	11
Dispersion	G
Days cond. at 80°C	0
Gel content %	60
Solids in %	45
pH	12.7

Table 2a. Influence of the storage temperature on the pH of the dispersions.

Example	11
Dispersion	G
Days cond. at 80°C	0
Gel content %	90
pH before storage	12.7
pH after storage	9.6

Table 2c.

Example	11
Gel content	60
Initial strength (N/mm)	0.6
Soft point °C	143

Third, Applicants submit Example B in the present application at page 11 is similar to Example 1 in Youker. As illustrated in Table 1 of the present invention, similar polymerization conditions were employed, such as temperature, and the polymers obtained have a gel content of 60 % by weight. The product of Example B is not suitable for the preparation of adhesive formulations according to the present invention due to high gel content. Given such similarities between the comparison Example B of the present invention and Example 1 of Youker , one would not be motivated to modify the teachings of Youker in order to achieve the presently claimed invention. There is no

mention of the gel content prior to creaming in Youker, and certainly no suggestion that starting with a lower gel content could lead to a preparation suitable for adhesive formulations.

According to Youker , an improved polychloroprene latex is useful for making polyisocyanide-modified foams is disclosed. There is no indication in Youker concerning the use of specific aqueous polychloroprene dispersion formulations having a specific gel content which are obtainable by a specific process comprising step a) and b) according to Claim 1 of the present invention.

Accordingly, Applicants submit Youker fails to render the present invention obvious to one skilled in the art at the time the invention was made. Therefore, Applicants request withdrawal of this ground of rejection and Applicants submit the present invention is in condition for allowance.

Claim Rejection Under 35 U.S.C. § 102/103 EP 451 998

Claims 1-3 and 5-7 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over EP 451 998 ("DuPont Reference"). Applicants submit the DuPont reference fails to anticipate or render the present invention obvious.

The DuPont reference is directed to a process for stabilizing chloroprene copolymer latex, wherein the pH of the latex is maintained in the range of the highly acidic pH occurring at polymerization and up to a pH of 6.5. In the alternative, the aqueous polymer dispersion of the present invention has a pH of 10-14 and as claimed, the aqueous polymer dispersion of the present invention does not have a significant drop in pH after storage. Therefore, Applicants submit the DuPont references fails to anticipate the amended claims or render the present claims obvious. Accordingly, the dispersions clearly have different pH values. Accordingly, Applicants request withdrawal of this ground of rejection.

Claim Rejection Under 35 U.S.C. § 102/103 JP 2001-049043

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over JP 2001-049043 ("JP reference"). Applicants respectfully traverse this ground of rejection. The JP reference teaches a dispersion which is produced with the use of a non-ionic surfactant (See paragraph 007).

In the alternative, the present invention discloses the use of an anionic surfactant. Applicants submit one skilled in the art knows that using different emulsifying systems will result in different products. Accordingly, Applicants submit the Office Actions assumption that the dispersions of the reference would have the claimed properties is not supported by the general knowledge of one skilled in the art or the cited reference. Therefore, Applicants submit the JP reference fails to anticipate the amended claims or render the amended claims obvious. Accordingly, Applicants request withdrawal of this ground of rejection.

The USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 CFR 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

By _____

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EXHIBIT 1

PATENT APPLICATION
PO-8034
LeA 36,711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF	
	GROUP NO.: 1796
RÜDIGER MUSCH ET AL	
	CONFIRMATION NO.: 9010
SERIAL NUMBER: 10/825,934	
	EXAMINER: PETER MULCAHY
FILED: APRIL 16, 2004	
TITLE: AQUEOUS ADHESIVE DISPERSIONS	

DECLARATION UNDER 37 CFR 1.132

I, Martin Schneider, a resident of Germany, do hereby declare that:

1. I am a Chemist having studied at the TU Munich during the years 2001 to 2005.
2. I received a diploma in chemistry at the TU Munich.
3. I am currently an employee of LANXESS Deutschland GmbH located in Leverkusen, Germany, in the field of Polymer Chemistry, including testing and evaluation of compounds.
4. I am a researcher in the field of poly(chloroprene) (rubber and latex application) in Dormagen, Germany
5. I declare one skilled in the art would know Example 3 in Table 2a was mistakenly labeled as an example according to the invention.
6. I submit such labeling is a visible mistake in the application.
7. As noted in the Specification, Example 3 is Dispersion D (see Table 1a) which is prepared without tempering/conditioning as illustrated in Table 1b.
8. Page 16, line 11 of the Specification expressly identifies Example 3 as a comparison example and states directly "after creaming compared with the non-conditioned **comparison materials (Examples 1 to 3)**, which can be seen..."
9. Therefore I declare one skilled in the art would not interpret the pH drop

identified in Example 3 to be prepared according to the present invention as Example 3 should be properly identified as a comparative example.

10. The undersigned Declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine of imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified United States Patent Application or any patent issuing thereon.

Signed at Dormagen, Germany this 16th day of November 2010.

Martin Schneider

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